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Docket No. 0424/75632/JPW/AHC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Omry Ben-Ezra, et al.  
Serial No.: 10/560,654  
Filed: May 1, 2006  
For: VAGAL STIMULATION FOR ANTI-EMBOLIC THERAPY  
Conf. No: 2254

RECEIVED

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30 Rockefeller Plaza, 20<sup>th</sup> Floor  
New York, New York 10112  
February 11, 2011

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

COMMUNICATION IN ACCORDANCE WITH 37 C.F.R. §1.28(c)

This Communication is submitted in accordance with 37 C.F.R. §1.28(c). According to 37 C.F.R. §1.28(c), if status as a small entity was established in good faith in a patent application, and it is later discovered that such status was established in error, the error will be excused upon a submission notifying the U.S. Patent Office of the error, itemizing the amount of the deficiency in the fee paid, and paying the fee deficiency.

Accordingly, applicant hereby notifies the U.S. Patent and Trademark Office that small entity status was established in good faith at the time of filing the nonprovisional application. Applicant paid the issue fee at the small entity rate. The undersigned now understands that the subject application was not eligible for small entity status at the time the issue fee was paid. Accordingly, this fee was paid at the small entity rate in error and without deceptive intent.

In accordance with 37 C.F.R. §1.28(c)(2), a check for the fee deficiency in the amount of \$755.00 is enclosed. In accordance with 37 C.F.R. §1.28(c)(2)(ii), an itemization of the deficiency in the fee paid follows:

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Fee	Small Entity Amount Paid	Date Paid	Current Fee at Large Entity Rate	Amount of Fee Deficiency Owed
Utility Issue Fee	\$755.00	December 28, 2010	\$1,510.00	\$755.00

Total Amount Due: \$755.00

No fee, other than the enclosed \$755.00 fee deficiency payment, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents,  
P.O. Box 1450,  
Alexandria, VA 22313-1450

 2/11/11  
John P. White Date  
Reg. No. 28,678